

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1, 5, and 15-18 are amended. Claims 1, 5, and 15 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the Remarks as set forth hereinbelow.

Allowable Subject Matter

The Applicants wish to thank the Examiner for the indication that claims 13, 14, and 20 would be allowable if rewritten in independent form to include the features of their respective base claims.

Information Disclosure Statement

It has come to Applicants' attention that in the first Office Action of November 5, 2003, the Examiner sent back an initialed copy of the PTO-1449 accompanying the Information Disclosure Statement filed on December 19, 2001. However, it has come to Applicants' attention that three of the references listed in the PTO-1449 were not initialed. In particular, the non-patent document was not initialed, and two of the foreign patent documents (JP 48-41687 and JP 06-087095) were crossed-out.

Attached to this Amendment is a machine-generated translation of the document 06-087095 for the Examiner's convenience (Applicants do not

guarantee the accuracy of this translation). Also included is an English translation of the relevant part of the JP 48-41687 document.

Accordingly, the Examiner is respectfully requested to consider all of the references listed in the Information Disclosure Statement of December 19, 2001, and return an initialed copy of the PTO-1449 at his earliest convenience.

Rejection Under 35 U.S.C. § 102

Claims 1-3, 7, 8, and 15-17 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,008,986 to Mok (hereinafter Mok). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In the Amendment filed on February 5, 2004, Applicants argued that Mok fails to disclose a mounted displaying means (see page 13 of the Amendment of February 5, 2004). In the outstanding Office Action, the Examiner responds to this argument by asserting that the displaying means disclosed by Mok is "mounted on a laptop computer housing." The Examiner acknowledges that "[the displaying means] is not permanently fixed or mounted in a specific position." See page 2 of the Office Action.

Applicants do not concede to the correctness of the Examiner's interpretation of "mounted displaying means," or to the appropriateness of this rejection. However, to expedite prosecution, independent claims 1 and 15 have been amended to recite that the mounted displaying means is mounted in a

fixed position. Since the display panel 24 in Mok's laptop computer is movable in relation to the housing, it is respectfully submitted that Mok cannot be interpreted as disclosing the above claimed feature.

Applicants respectfully submit that independent claims 1 and 15 are allowable at least for the reasons set forth above. Further, Applicants submit that claims 2, 3, 7, 8, 16, and 17 are allowable at least by virtue of their dependency on claims 1 and 15. The Examiner is, therefore, respectfully requested to reconsider and withdraw this rejection.

Rejections Under 35 U.S.C. § 103

Claims 4, 6, 18

Claims 4, 6, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Mok in view of U.S. Patent No. 5,949,643 to Batio (hereinafter Batio). Applicants respectfully submit that Batio fails to remedy the deficiencies of Mok set forth above in connection with independent claims 1 and 15. Accordingly, Applicants respectfully submit that claims 4 and 18 are allowable at least by virtue of their dependency on claims 1 and 15.

Claims 5, 19

Claims 5 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mok in view of Batio, and further in view of U.S. Patent No.

4,800,376 to Suga et al. (hereinafter Suga). This rejection is respectfully traversed.

As to claim 19, Applicants respectfully submit that none of Batio and Suga remedies the deficiencies of Mok set forth above in connection with independent claim 15. Thus, it is respectfully submitted that claim 19 is allowable at least by virtue of its dependency on claim 15.

As to independent claim 5, Applicants respectfully submit that Suga is not analogous art under MPEP § 2141.01(a). This section of the MPEP states the following:

"The Examiner must determine what is 'analogous prior art' for the purpose of analyzing the obviousness of the subject matter at issue. In order to rely on a reference as a basis for rejection of an Applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. In re Oetiker, 977 F.2d 1443, 24 USPQ 2d 1443, 1445 (Fed. Cir. 1992)."

It is respectfully submitted that the Suga does not qualify as analogous art with respect to independent claim 5. In particular, claim 5 is directed to a display apparatus having an operating means, which can be set in a position where it overlaps with a part of the display surface of a displaying means. The claimed invention deals with the problem of the operating means blocking the visual information on the displaying means by changing a display scale of the visual information, and displaying the visual information only the display surface, which is free from overlapping with the operating means.

Suga on the other hand is directed to a multiple display system used for displaying data in the VIDEOTEX Standard. As disclosed in Suga, this type of system is large and often used in department stores, shopping centers, and sites for exhibition, where it can be view by many people. See Suga at Abstract and column 1: lines 10-20. Suga is mainly concerned with changing the size of the display data can be changed so that it forms a single large image to be displayed over all of the display screens (column 3: lines 4-8), so that the data is more easily seen by a large number of people.

Those of ordinary skill in the art would realize that the type of multi-screen system contemplated by Suga does not suffer from the problem that the operating means would override with any of the display screens and obstruct viewing of the displayed information. It is well known that the operating means for such multi-screen systems is usually a remote computer terminal, such as the controller 1 disclosed by Suga in Fig. 1 and column 4: lines 27-38.

Accordingly, Applicants respectfully submit that one of ordinary skill in this art would not be led to use Suga to solve the problem of changing the display scale of visual information so it will fit in a portion of a display means not impeded by the operating means. Thus, Applicants respectfully submits that Suga is not in the analogous art of the present invention.

Also, Applicants respectfully submit that the Examiner has failed to provide a proper motivation for combining Suga with the Mok and Batio references. Particularly, both Mok and Batio are directed to portable computer

systems (i.e., laptop computers). On the other hand, Suga is directed toward a large multi-screen display system, which is used at public sites in order to attract and be viewed by a large number of people. Applicants respectfully submits that Mok and Batio are not in an analogous art with Suga and, thus, one of ordinary skill in the art would not have been led to use the teachings of Suga in order to modify the systems disclosed in Mok and Batio.

Furthermore, claim 5 has been amended to recite “chang[ing] a display scale depending on a size of the display surface available for displaying, the size being determined based on the position of said operating means.” It is respectfully submitted that none of Mok, Batio, and Suga teach or suggest changing the display scale based on a position of the operating means. Since the cited prior art fails to provide a teaching or suggestion of each claimed element, Applicants submit that this rejection should be withdrawn.

For the reasons set forth above, Applicants respectfully submit that claims 5 and 19 are neither anticipated nor rendered obvious by the combination of Mok, Batio, and Suga. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 9-12

Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mok in view of U.S. Patent No. 4,787,040 to Ames et al. (hereinafter Ames). Applicants respectfully submit that Ames fails to remedy the deficiencies of Mok

set forth above in connection with independent claim 1. Accordingly, Applicants respectfully submit that claims 9-12 are allowable at least by virtue of their dependency on claim 1.

Finality of Office Action Improper

In the present Office Action, the Examiner has provided a new grounds of rejection for independent claim 5. The Examiner asserts that the new grounds of rejection were applied because of the amendment to claim 5 (see page 2 of the Office Action). However, in the Amendment filed February 5, 2004, claim 5 was only amended to include features found in claims 1, 2, and 4, upon which claim 5 was previously dependent. Accordingly, this amendment did not add any features to claim 5, which were not already considered by the Examiner in relation to claim 5 in the first Office Action of November 5, 2003. Thus, the amendment did not raise any new issues that required further search or consideration by the Examiner.

Since the amendment to claim 5 did not necessitate the new grounds of rejection presented by the Examiner, it is respectfully submitted that the finality of the outstanding Office Action is improper. Applicants respectfully submit that, if the Examiner does not find the above amendments and remarks persuasive, that the Examiner issue a new non-final Office Action in connection with the present application.

Conclusion

Since the finality of the present Office Action is improper, Applicants respectfully submit that this Amendment should be entered. In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the claim rejections and issue a Notice of Allowance in connection with the presently pending claims.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachments:

Machine translation of JP 067-087095
Translation of relevant part of JP 48-41687